

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TENNESSEE**

ACT, INC.,

Plaintiff and Counter-Defendant,

v.

WORLDWIDE INTERACTIVE NETWORK,  
INC. and Teresa Chasteen,

Defendants and Counter-Claimants.

Case No. 3:18-cv-00186-TRM-HBG

JURY TRIAL DEMANDED

**DECLARATION OF STEVE SCHURING IN SUPPORT OF PLAINTIFF ACT, INC.'S  
OPPOSITION TO DEFENDANT WORLDWIDE INTERACTIVE NETWORK, INC.'S  
MOTION TO COMPEL DE-DESIGNATION OF PLAINTIFF'S EXPERT REPORT OF  
DAVID NOLTE AND AMENDED EXPERT REPORT OF DAVID NOLTE**

I, Steve Schuring, declare as follows:

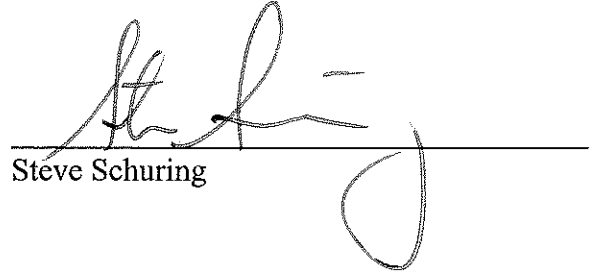
1. I am Vice President of Finance & Accounting for Plaintiff ACT, Inc. ("ACT"). I submit this declaration in support of ACT's Opposition to Defendant's Worldwide Interactive Network, Inc.'s ("WIN") Motion to Compel De-Designation of Plaintiff's Expert Report of David Nolte and Amended Expert Report of David Nolte (Dkt. 157).
2. WIN is a competitor of ACT. ACT believes that WIN stole ACT's work product and sold it at a cheaper price to ACT's customers.

3. I reviewed page 9 of Mr. Nolte's report and the quoted and referenced document bearing Bates No. ACT000003206, designated "Highly Confidential Attorneys' Eyes Only" under the Protective Order (Dkt. 34.). This document contains ACT's highly confidential and sensitive financial information. It includes ACT's confidential pricing information relating to price proposals submitted by ACT to the State of South Carolina in response to its Request For Proposal. This information maintained by ACT as confidential. It is extremely sensitive and competitive, and if disclosed to WIN it would put ACT at a competitive disadvantage and at substantial risk of serious harm that could not be avoided by less restrictive means, because it would allow WIN to use this information to continue to undercut ACT's prices.

4. I reviewed pages 10-11 and 20-23 of Mr. Nolte's report and the quoted and referenced document bearing Bates No. ACT0024654, and designated "Highly Confidential Attorneys' Eyes Only" under the Protective Order (Dkt. 34.). This information maintained by ACT as confidential. It contains ACT's highly confidential and sensitive financial information. It contains ACT's metrics relating to ACT's revenue, costs and expenses, and operating income for ACT's Program 40 WorkKeys Assessments. This information is extremely sensitive and competitive, and if disclosed to WIN it would put ACT at a competitive disadvantage and at substantial risk of serious harm that could not be avoided by less restrictive means because it would allow WIN to use this information to unfairly compete with ACT and continue to undercut ACT's prices.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on August 26, 2019, at Iowa City, Iowa.

  
Steve Schuring

## CERTIFICATE OF SERVICE

I hereby certify that on August 26, 2019, a true and correct copy of the foregoing DECLARATION OF STEVE SCHURING IN SUPPORT OF PLAINTIFF ACT, INC.'S OPPOSITION TO DEFENDANT WORLDWIDE INTERACTIVE NETWORK, INC.'S MOTION TO COMPEL DE-DESIGNATION OF PLAINTIFF'S EXPERT REPORT OF DAVID NOLTE AND AMENDED EXPERT REPORT OF DAVID NOLTE was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. Mail. Parties may access this filing through the Court's electronic filing system.

/s/ Laura L. Chapman (Admitted Pro Hac Vice)  
Laura L. Chapman